



RACING (MISCELLANEOUS) AMENDMENT ACT 1993

No. 29 of 1993

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ANNO QUADRAGESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1993

No. 29 of 1993

An Act to amend the Racing Act 1976.

[Assented to 6 May 1993]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Racing (Miscellaneous) Amendment Act 1993*.

(2) The *Racing Act 1976* is referred to in this Act as “the principal Act”.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 41—Rules of Board

3. Section 41 of the principal Act is amended by striking out paragraph (j) of subsection (2).

Amendment of s. 44—Constitution of Board

4. Section 44 of the principal Act is amended—

(a) by striking out “five members” and substituting “six members”;

(b) by striking out “two” from paragraph (a) and substituting “three”.

Amendment of s. 47—Quorum, etc.

5. Section 47 of the principal Act is amended by striking out “Three members” from subsection (1) and substituting “Four members”.

Amendment of s. 52—Board subject to control and direction of Minister

6. Section 52 of the principal Act is amended—

(a) by striking out “the general control and direction of the Minister” and substituting “the control and direction of the Minister”;

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) A direction by the Minister to the Board must be in writing and the text of the direction must be included in the Board's annual report.

Amendment of s. 54—Terms and conditions of employment by Board

7. Section 54 of the principal Act is amended by striking out "the *Public Service Act, 1967-1975*," and substituting "Part III of the *Government Management and Employment Act 1985*".

Substitution of ss. 63, 63a and 64

8. Sections 63, 63a and 64 of the principal Act are repealed and the following sections are substituted:

Conduct of on-course totalizator betting by racing clubs

63. (1) Subject to this Act, a registered racing club may conduct on-course totalizator betting in conjunction with a race meeting held by the club.

(2) Subsection (1) authorises betting on races held at the race meeting and on races of the same form held within or outside Australia.

(3) The race meeting must be held in accordance with a programme published by the Minister by notice in the *Gazette*.

(4) The programme must specify the days on which and the racecourses at which each registered racing club will hold race meetings.

(5) The Minister must not publish a notice under subsection (3) except on the recommendation of the controlling authority for the form of racing concerned and the Minister may, on the recommendation of the controlling authority, vary the programme by notice published in the *Gazette* or, if that is not practicable in the circumstances, by written or oral notice to the racing club affected.

(6) The Minister may, subject to such conditions as the Minister thinks fit, by notice in writing to a registered racing club, authorise the club to conduct on-course totalizator betting in conjunction with a race meeting held by the club on races of other forms held within or outside Australia and may revoke the notice by subsequent notice in writing to the club.

(7) Where a racing club is unable to hold a race meeting in accordance with the programme published by the Minister because of unforeseen circumstances it may, with the approval of the Minister, conduct on-course totalizator betting as if the race meeting had not been cancelled.

Conduct of on-course totalizator betting when race meeting not in progress

64. The Minister may, subject to such conditions as the Minister thinks fit, by notice in writing to a registered racing club, authorise the club to conduct on-course totalizator betting on races of any form held within or outside Australia when a race meeting is not in progress at the racecourse at which the totalizator betting is to be conducted and the Minister may revoke the notice by subsequent notice in writing to the club.

Revocation of right to conduct on-course totalizator betting

65. If, in the Minister's opinion, an authorised racing club has contravened or failed to comply with any provision of this Act, the racing totalizator rules or a condition of an authorisation granted by the Minister under this Division, the Minister may, by notice in writing given to the club, revoke, suspend or restrict the club's right to conduct on-course totalizator betting whether the club had that right by virtue of this Act or of an authorisation granted by the Minister under this Act.

Repeal of s. 69a

9. Section 69a of the principal Act is repealed.

Amendment of s. 70—Application of percentage deductions

10. Section 70 of the principal Act is amended by inserting after subsection (1) the following subsections:

(1a) Where, on a particular day, two or more authorised racing clubs conducted totalizator betting on the same race results and one or more of those clubs did not hold a race meeting on that day, the amounts deducted by each club pursuant to section 68 from totalizator bets made with it on that day must be pooled for the purpose of determining the amounts to be paid pursuant to subsection (1).

(1b) The amount remaining after payments have been made under subsection (1) from a pool referred to in subsection (1a) must be divided between the racing clubs so that—

(a) the club or clubs that held race meetings on the day concerned receive the amount that they would have retained under subsection (1) if pooling had not occurred;

and

(b) the club that did not hold a race meeting on that day receives the balance or, if there were two or more such clubs, the balance is divided between them in proportion to the amount deducted by each of them pursuant to section 68.

(1c) A racing club that has cancelled a race meeting because of unforeseen circumstances but conducts totalizator betting during the period that the cancelled race meeting would have been held will be taken, for the purposes of subsections (1a) and (1b), to have held the race meeting as originally planned.

Repeal of s. 81

11. Section 81 of the principal Act is repealed.

Amendment of s. 85—Interpretation

12. Section 85 of the principal Act is amended—

(a) by inserting after the definition of “the Board” the following definition:

“cash bet” means a bet where the bettor pays the amount bet to the bookmaker when the bet is accepted;

(b) by striking out the definition of “coursing event”;

(c) by striking out the definition of “coursing ground”;

(d) by striking out the definition of “coursing meeting”;

(e) by striking out from the definition of “race” “a coursing event and”;

(f) by striking out from the definition of “racecourse” “any coursing ground and”;

(g) by striking out from the definition of “race meeting” “a coursing meeting and”;

(h) by striking out from the definition of “racing club” “a club that is established for the purpose of conducting coursing meetings and”.

Amendment of s. 100—Licences

13. Section 100 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A licence must not be granted to a body corporate.

Amendment of s. 111—Permit required to accept bets

14. Section 111 of the principal Act is amended by striking out “to him under this Part” and substituting “under this Part to the person or to a group of bookmakers of which he or she is a member”.

Amendment of s. 112—Permits for licensed bookmakers to bet on racecourses

15. Section 112 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

(1a) Subject to this Part, a permit must not be granted to a group of licensed bookmakers.;

(b) by striking out from subsection (2) “the racing clubs holding the races on that day at that racecourse” and substituting “the racing club conducting the race meeting on that day or, if no race meeting is conducted on that day, with the racing club that normally conducts race meetings at that racecourse”;

- (c) by striking out from subsection (5) "at which races other than coursing events or foot races are held unless the Minister has, pursuant to Part III, authorised the conduct of totalizator betting on that racecourse on that day" and substituting:

"unless—

- (a) the conduct of totalizator betting is authorised by or under Part III on that racecourse on that day;

or

- (b) the only races held at that racecourse on that day are foot races;"

- (d) by inserting after subsection (5) the following subsection:

(6) A permit authorises the acceptance of a bet by telephone or the acceptance of a bet made by facsimile transmission if the permit is endorsed to that effect by the Board.

Repeal of s. 112a and substitution of ss. 112a and 112b

16. Section 112a of the principal Act is repealed and the following sections are substituted:

Grant of permit to group of bookmakers

112a. (1) A permit to accept bets within a racecourse when a race meeting is not in progress at the racecourse may be granted under section 112 to a group of licensed bookmakers who, in the opinion of the Board, collectively have the financial resources to accept bets pursuant to the permit.

(2) A permit to accept bets within a racecourse when a race meeting is not in progress must not be granted to an individual bookmaker unless the Board is satisfied that—

- (a) the bookmaker has the necessary financial resources to accept bets pursuant to the permit;

and

- (b) it is in the interests of the racing industry to grant the permit.

(3) A permit referred to in subsection (1) or (2) must not be granted contrary to a direction of the Minister.

- (4) The Board must not grant a permit to a group of bookmakers unless—

- (a) the bookmakers have entered into an agreement with each other that—

- (i) provides for sharing the bets accepted pursuant to the permit;
- (ii) provides for the shares in which the members of the group will be liable for the amount due to the Board under section 114 in respect of those bets;

(iii) provides for the shares in which the members of the group will be liable for the amount won on those bets;

(iv) authorises a person (whether a member of the group or some other person approved by the Board) to accept bets on behalf of the group;

and

(v) includes such other terms as the Board requires;

and

(b) the Board has given its approval to the agreement.

(5) Each member of a group of bookmakers to whom the Board has granted a permit under this Act is liable to the Board for the amount due to the Board under section 114 in respect of the bets accepted pursuant to the permit but the aggregate of the amounts recovered by the Board from two or more members of the group must not exceed the amount due under section 114.

(6) Where—

(a) a group of bookmakers has accepted bets within a racecourse pursuant to a permit referred to in subsection (1) when a race meeting was not in progress at the racecourse;

and

(b) a race meeting is subsequently held at the racecourse on the same day,

the group may continue to accept bets pursuant to the permit while the race meeting is in progress.

Revocation of permit

112b. The Board may, as an administrative act, revoke a permit under this Part.

Amendment of s. 113—Operation of bookmakers on racecourses

17. Section 113 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A bookmaker who holds a permit under this Part to accept bets on races or approved sporting events made on a day and within a racecourse specified in the permit (whether he or she holds the permit individually or as a member of a group) is entitled to accept bets on that day within that racecourse in accordance with this Act and the licence and permit granted to the bookmaker if he or she has paid the prescribed fee—

(a) where a race meeting is being conducted on that day at that racecourse—to the racing club conducting the meeting;

or

- (b) where a race meeting is not being conducted at that racecourse—to the racing club that normally conducts race meetings at that racecourse.

Amendment of s. 114—Payment to Board of percentage of money bet with bookmakers

18. Section 114 of the principal Act is amended—

- (a) by inserting after subsection (4) the following subsection:

(4a) For the purposes of this section a bet made with a group of bookmakers will be taken to have been made with a single bookmaker and the amount of the bet will be taken to have been paid, or to be payable, to a single bookmaker.;

- (b) by striking out paragraph (a) of subsection (5) and substituting the following paragraph:

- (a) in respect of bets made on a racecourse on race-results that were decided on the day on which the bets were made—
- (i) where a race meeting was conducted at that racecourse on that day—a payment to the racing club conducting the meeting of an amount equal to 1.4 per cent of the amount of those bets;
- (ii) where a race meeting was not conducted at that racecourse on that day—a payment to the racing club that normally conducts race meetings at that racecourse of an amount equal to 1.4 per cent of the amount of those bets.;

Substitution of s. 115

19. Section 115 of the principal Act is repealed and the following section is substituted:

Betting tickets

115. A bookmaker must, upon accepting a cash bet with a person on a race-result or the result of an approved sporting event, issue and deliver to the person a betting ticket in the prescribed form.

Amendment of s. 116—Recovery of amounts payable by bookmakers

20. Section 116 of the principal Act is amended by striking out from subsection (1) “under section 114 of this Act shall be” and substituting “under this Part is”.

Amendment of s. 117—Unlawful bookmaking

21. Section 117 of the principal Act is amended—

- (a) by inserting after subsection (1) the following subsection:

(1a) A person who holds a licence under this Part and who accepts bets without being authorised to do so by a permit granted by the Board under this Part is guilty of an offence.;

- (b) by inserting after “under this Part” in subsection (2) “or who is a member of a group

to whom a permit has been granted under this Part”;

- (c) by striking out from subsection (3) “subsection (1) or subsection (2)” and substituting “this section”.

Amendment of s. 120—Board may give or authorise information as to betting

22. Section 120 of the principal Act is amended by striking out from subsection (5) “against any Act” and substituting “against this Act or any other Act”.

Amendment of s. 124—Rules of Board

23. Section 124 of the principal Act is amended—

- (a) by striking out from paragraph (j) “two hundred dollars” and substituting “a division 6 fine”;
- (b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Rules made under subsection (1) may confer powers or impose duties on the Board, the Board’s secretary or any other person.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor